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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,775	11/06/2001	Masatoshi Mizoguchi	1081.1132	4507

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EXAMINER

TRAN, NGHI V

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/985,775

Applicant(s)

MIZOGUCHI, MASATOSHI

Examiner

Nghi V Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/11/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Interpretations

1. Taking claim 1 as an exemplary claim, the applicant wrote "if a plurality of items ... are present, notifies said server computer of abnormality" (emphasis added) . There are two possible occurrences for the "if" condition. The "if" condition is either TRUE or FALSE. The limitation "notifies said server computer of abnormality" only occurs and have patentable weight if the condition claimed by applicant is TRUE. If the condition claimed by applicants is FALSE (or it does not occur), then any limitation associate with the "if" condition will not have any patentable weight.

The "if" limitation occurs many times in this application. For purpose of examination, the examiner only explains one specific claim interpretation as discussed above. All other "if" limitation will have the similar claim interpretations.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-6, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forbes et al., U.S. Patent Application Publication Number 2001/0029605 (hereinafter Forbes), in view of both Hove et al., U.S. Patent Application Number 6,564,369 (hereinafter Hove) and Park, U.S. Patent Number 5,909,581.

Taking claim 1 as an exemplary claim, Forbes teaches a distributed computer system (figures 1 and 2A-C) comprising: a plurality of client computers (items 20 and 203) in which is stored a file group including files managed in each resource group under a directory constituted by a plurality of layers (paragraphs 0040-0043, page 4); and a server computer (items 49 and 201) that transfers to each of the client computers maintenance data for updating files managed in each of said resource groups (paragraphs 0038-0039, page 4); wherein said client computers comprise: an application section (item 211) that, when said maintenance data is transferred from said server computer, detects identification information that identifies said resource group contained in said maintenance data that was transferred from said directory, and applies said maintenance data that has been transferred to a directory under this identification information that has thus been detected (paragraphs 0041-0045, page 4; and paragraph 0060, page 5 through paragraph 0063, page 6). However, Forbes fails to teach a monitoring and notification section that executes monitoring to ascertain

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whether or not a plurality of items of identical identification information are present in said directories and, if a plurality of items of identical identification information are present, notifies said server computer of abnormality at the client side. In a distributed computer system, Hove discloses a monitoring section that executes monitoring to ascertain whether or not a plurality of items of identical identification information are present in said directories and, if a plurality of items of identical identification information are present (lines 19-67, column 8 and lines 18-26, column 10 i.e. a conflict report). In addition, Park discloses a notification section that notifies the server computer of abnormality (column 3, lines 25-43; and column 4, lines 13-26). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Forbes in view of both Hove and Park by notifying the server computer of abnormality if a plurality of items of identical identification information are present because this feature saves space on hard disk. One of ordinary skill in the art at the time of the invention would have been motivated to modify Forbes in view of both Hove and Park in order to confirm with the server about the duplicate files or components if the updating process is not required.

With respect to claim 4, Forbes further teaches a management computer (item 36 of figure 1) that manages the maintenance data that was generated, wherein said management computer comprises: previous update date information for each said resource group of said group of files, an extraction section that extracts, of said generated maintenance data, maintenance data having an update date more recent

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than said previous update date; and a transfer section that transfers this extracted maintenance data to said server computer (paragraphs 0038-0041, page 4).

With respect to claim 5, Forbes further teaches the application section reads a maintenance protection information file comprising name information of said client computer from said file group and, if the name of the client computer of the maintenance protection information file that has thus been read is its own name, applies to said maintenance target directory said maintenance data that has been transferred (figure 4 and paragraphs 0061-0063, page 6).

Claims 6 and 11 are also rejected for the same reason set forth in claim 1 above.

Claims 9 and 10 are also rejected for the same reason set forth in claims 4-5 above.

5. Claims 2-3 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over all Forbes et al., U.S. Patent Application Publication Number 2001/0029605 (hereinafter Forbes), Hove et al., U.S. Patent Application Number 6,564,369 (hereinafter Hove), and Park, U.S. Patent Number 5,909,581, as applied in claims 1 and 6 above, and further in view of Delo, U.S. Patent Number 6,804,663.

Taking claim 3 as an exemplary claim, Forbes clearly teaches the maintenance data comprises application destination directory information; and said application section, when said application destination directory is detected from said directory, applies said maintenance data to said application destination directory (paragraph 0042-0046, page 4; and paragraphs 0052-0057, page 5). However, Forbes fails to

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teach the maintenance data was registered beforehand is applied. In a distributed computer system, Delo discloses the maintenance data was registered beforehand is applied (figures 4-5). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Forbes, Hove, and Park, and further in view of Delo by specifying the maintenance data was registered beforehand is applied because this feature optimizes the installation process. One of ordinary skill in the art at the time of the invention would have been motivated to modify all Forbes, Hove, and Park, and further in view of Delo in order to "provide fast and efficient query processing, minimal redundancy of data and adequate data integrity" (column 1, lines 64-66).

Claims 2 and 7-8 are also rejected for the same reason set forth in claim 3 above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "System and method for providing secure URL-Based access to private resources," by Linden et al., U.S. Patent Number 6,360,254.

b. "Software for seamless interconnectivity between active program modules on integrated arrangement of CD drive, data server, and PC hard disk drive," by Sanford, U.S. Patent Application Publication Number 2002/0073414.

c. "Method for categorizing and installing selected software components," by Delo et al., U.S. Patent Number 6,370,686.

d. "System and method for repairing a damaged application program," by Delo et al., U.S. Patent Number 6,397,381.

e. "File managing device of a non-volatile memory, a memory card and method for controlling a file system," by Sugita, U.S. Patent Number 5,860,135.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Examiner
Art Unit 2151


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER